

**City of Hurst  
City Council Minutes  
Tuesday, September 13, 2016**

On the 13th day of September 2016, at 6:30 p.m., the City Council of the City of Hurst, Texas, convened in Regular Meeting at City Hall, 1505 Precinct Line Road, Hurst, Texas, with the following members present:

Richard Ward	)	Mayor
Larry Kitchens	)	Mayor Pro Tem
Bill McLendon	)	Councilmembers
Henry Wilson	)	
Nancy Welton	)	
David Booe	)	
Trasa Cobern	)	
Clay Caruthers	)	City Manager
John Boyle	)	City Attorney
Allan Heindel	)	Deputy City Manager
Rita Frick	)	City Secretary
Greg Dickens	)	Executive Director of Public Works
Paul Brown	)	Managing Director of Finance
Michelle Lazo	)	Managing Director Development

With the following Councilmembers absent: none, constituting a quorum; at which time, the following business was transacted:

The meeting was called to order at 6:30 p.m.

Councilmember Cobern gave the Invocation.

The Pledge of Allegiance was given.

**CONSENT AGENDA**

1. Considered approval of the minutes for the September 1, 2016 City Council meeting.

Councilmember Wilson moved to pass the consent agenda. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton  
No: None

**PUBLIC HEARING(S) AND RELATED ITEMS**

2. Conducted a public hearing to consider Z-16-02, Sunset Pointe Estates, a zoning change from R-1 to R2-PD with a concept plan for Tract 14A William Wallace Survey A1607, being 1.59 acres located at 1441 Hurstview Drive.

Mayor Ward announced a public hearing to consider Z-16-02, Sunset Pointe Estates, a zoning change from R-1 to R2-PD with a concept plan for Tract 14A William Wallace Survey A1607, being 1.59 acres located at 1441 Hurstview Drive and recognized Managing Director of Development Michelle Lazo who advised the applicants are not present this evening, and reviewed the proposed project concept plan and ingress egress plans. She stated the applicants are only requesting a zoning change at this time, and if approved, will bring back a site plan for Council's consideration.

Mayor Ward recognized the following individuals who spoke in favor of the proposed zoning case:

Janet McKnight, owner of the property for the proposed case, who stated her desire to see a quality project where she was born and raised. She stated she knew the developer requested a postponement.

Dolly Hingst, 1333 Karla Drive, Hurst, Texas, who spoke regarding the need for housing in the area and stated the additional homes would not create a traffic problem at this location. She noted it would be unfortunate to lose the trees, but believes the development would be beneficial to the community.

Mayor Ward recognized the following individuals who spoke against the proposed case expressing concerns of high density, too many people on a small lot, increased traffic, irresponsible pet owners, and traffic safety concerns for children and school buses. Additional comments spoke to current zoning and appropriate number of homes in the development.

Nell Delaughter, 1404 Karla Drive, Hurst, Texas; Roy Delaughter, 1404 Karla Drive, Hurst, Texas; Mary Jones, 1436 Brookside Drive, Hurst, Texas, James McCullough, 1429 Brookside Drive, Hurst, Texas, Barbara McCullough, 1429 Brookside Drive, Hurst, Texas; Wyatt Compton, 1448 Cimmaron Trail, Hurst Texas.

Mayor Ward recognized Susan Ballard, 1442 Cimmaron Trail, Hurst, Texas, who expressed her opposition to the project and provided signatures of 42 citizens, in addition to the 141 signatures provided at the Planning and Zoning Commission meeting, who oppose the change from residential to multi-family. She noted that if it were not for the confusion of whether the item was cancelled this evening, there may have been an additional fifty people, opposed to the zoning request, present this evening.

Mayor Ward noted the following individuals provided speaker cards in opposition to the proposed case, but did not wish to speak:

Joe Van Donk, 1412 Karla Drive, Hurst, Texas; Jerry and L. Marie Gunter, 1332 Brookside Drive, Hurst, Texas; Hershel and Lonna Snow, 1325 Brookside Drive, Hurst, Texas.

Mayor Ward recognized the following individuals expressing opposition to the proposed project due to density, traffic and speeding, property appraisals and ingress and egress concerns: Gary Waldron, 1905 Hurstview, Hurst, Texas; Jake Hannasch, 1321 Hurstview Drive, Hurst, Texas; and Gwen Luther, 1416 Brookside Drive, Hurst, Texas.

There being no one else to speak, Mayor Ward closed the public hearing.

Councilmember Wilson stated he understands the process the developer is going through to request the zoning change, but he prefers a site plan with zoning so the Council knows exactly what the zoning change will be. Council noted that once the zoning change is approved without a site plan, things can change. Also, noted was the residential character of the neighborhood and the additional traffic congestion on Hurstview.

3. Considered Ordinance 2328, first reading, to consider Z-16-02, Sunset Pointe Estates, a zoning change from R-1 to R2-PD with a concept plan for Tract 14A William Wallace Survey A1607, being 1.59 acres located at 1441 Hurstview Drive.

Councilmember Wilson moved to deny the zoning application for Z-16-02, Sunset Point Estates. Motion seconded by Councilmember Welton. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton

No: None

4. Conducted a public hearing to consider SP-16-06 Precinct Ridge Office Park, a site plan revision for Lots 3 and 5, Block 1, Precinct Ridge Addition, being 1.63 acres located at 6140 and 6148 Mid Cities Boulevard.

Mayor Ward announced a public hearing to consider SP-16-06 Precinct Ridge Office Park, a site plan revision for Lots 3 and 5, Block 1, Precinct Ridge Addition, being 1.63 acres located at 6140 and 6148 Mid Cities Boulevard, and recognized applicant John Campbell, owner and developer, who stated this was a minor revision to the site plan to provide a closure for one dumpster, stripe the other dumpster, and change the current proposed decorative retention pond to a detention pond.

There being no one to speak, Mayor Ward closed the public hearing.

In response to Councilmembers' questions, Executive Director of Public Works Greg Dickens stated staff is working on an agreement with Mr. Campbell that will run with the property to address maintenance of the detention pond.

5. Considered Ordinance 2329, first reading, to consider SP-16-06 Precinct Ridge Office Park, a site plan revision for Lots 3 and 5, Block 1, Precinct Ridge Addition, being 1.63 acres located at 6140 and 6148 Mid Cities Boulevard.

Councilmember Kitchens moved to approve SP-16-06, Precinct Ridge Office Park, and Ordinance 2339. Motion seconded by Councilmember McLendon. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton

No: None

6. Conducted a public hearing to consider SP-16-07, First Baptist Church Hurst, a site plan revision for Lot BR, Block 55, Mayfair Addition, being 11.15 acres located at 1801 Norwood Drive.

Mayor Ward announced a public hearing to consider SP-16-07, First Baptist Church Hurst, a site plan revision for Lot BR, Block 55, Mayfair Addition, being 11.15 acres located at 1801 Norwood Drive, and recognized Mark Tolson, 2344 Highway 121, who stated he is a member and representing the church. Mr. Tolson reviewed the proposed site plan, which includes a new porte cochere and drive to the worship center entrance, new monument sign, and stone on the building. Also being proposed is a sport court on the north side of the building to be utilized only by the church members.

There being no one else to speak, Mayor Ward closed the public hearing.

In response to Councilmembers' questions, Mr. Tolson, stated the sports court gate will be locked and the lights will be controlled on the inside of the church. He noted the church is surrounded by commercial businesses, so the lights should not cause a problem for residents.

7. Considered Ordinance 2330, first reading, to consider SP-16-07, First Baptist Church Hurst, a site plan revision for Lot BR, Block 55, Mayfair Addition, being 11.15 acres located at 1801 Norwood Drive.

Councilmember Booe moved to approve Ordinance 2330 adopting SP-16-07 on first reading. Motion seconded by Councilmember Cobern. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton

No: None

#### **BUDGET RELATED ITEM(S)**

8. Considered Ordinance 2331 (a), first reading, adopting budget for fiscal year beginning October 1, 2016 and ending September 30, 2017. City Secretary Rita Frick read proposed Ordinance 2331 (a).

Councilmember Wilson moved to pass Ordinance 2331 (a), first reading, adopting budget for fiscal year beginning October 1, 2016 and ending September 30, 2017. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton  
No: None

9. Considered Ordinance 2331 (b), first reading, ratifying the Property Tax Revenue Increase reflected in the Fiscal Year 2016-2017 Budget. City Manager Clay Caruthers stated the proposed ordinance is required by state law to ratify the property revenue increase. Mr. Caruthers stated he wants to clarify the rate of 2.2 cents is lower than the prior year's rate. However, there will be additional property tax revenues, which will ensure competitive rates for employees, offset losses in other revenues and exemptions from the senior and disabled freeze.

Councilmember McLendon moved in compliance with the Local Government Code, the adoption of Ordinance 2331 (b) will ratify the property tax revenue increase in the 2016-2017 fiscal year budget. Motion seconded by Councilmember Welton. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton  
No: None

10. Considered Ordinance 2332, first reading, setting the tax rate for the 2016 tax year. City Secretary Rita Frick read proposed Ordinance 2332.

Councilmember Wilson moved that with the adoption of Ordinance 2332, "I move that the property tax rate be increased by the adoption of a tax rate of \$0.5879, which is effectively a 6.7 percent increase in the tax rate." Motion seconded by Councilmember McLendon. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton  
No: None

11. Considered Ordinance 2333, first reading, approving all water and wastewater rates for Fiscal Year 2016-2017.

City Manager Caruthers stated, as discussed during budget workshops, the City did see an increase in wholesale water rates and a decrease in wastewater, but even so, volumes are down and still short of meeting budget. He stated wholesale costs are increasing and as has been the policy the proposed 4 percent increase is a smoothing policy so the rates do not go up and down drastically. He stated staff is proposing to proceed next year with a rate study to look at all options to ensure doing the best job possible.

Councilmember Welton moved to approve Ordinance 2333, including the proposed Water and Wastewater rates effective October 1, 2016, to be included in all City utility bills processed on, or after, November 1, 2016. Motion seconded by Councilmember Kitchens. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton

No: None

### **ACTION ITEM(S)**

12. Considered authorizing the city manager to enter into a contract for the Brushy Creek Erosion Control Improvements at Brown Trail.

Mayor Ward recognized Executive Director of Public Works Greg Dickens who reviewed the proposed project, which will address erosion control on the upside and downside stream of Brushy Creek. He noted significant erosion and stated riprap will be utilized on the slopes. Mr. Dickens reviewed the bids, with the low bid being RLM Earthco, in the amount of \$76,744.02. He stated sufficient funds are allocated for the project, and staff proposes a contingency fund of \$10,000. In response to Councilmembers' questions, Mr. Dickens stated the project will probably start in four to six weeks.

Councilmember Cobern moved to authorize the city manager to enter into a contract with RLM Earthco, for the Brushy Creek Erosion Control Improvements at Brown Trail Project, in the amount of \$76,744.03, with a contingency of \$10,000, for a total amount of \$86,744.03. Motion seconded by Councilmember Welton. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton

No: None

### **OTHER BUSINESS**

13. Council reviewed the following advisory board meeting minutes:
- Planning and Zoning Commission
  - HEB Teen Court Advisory Board
  - Library Board
  - Parks and Recreation Board
  - Hurst Senior Center Advisory Board
14. Review of upcoming calendar items – City Manager Caruthers stated there are no special items at this time.
15. City Council Reports – Mayor Pro Tem Kitchens noted attending the Texas Health Resources SCRUB's Day where he received personal scrubs, and a behind the scenes tour of the new ICU including two procedures and spoke of the amazing medical team.

Mayor Ward commented how proud he is of City staff, of the wise decision Council made in hiring the new city manager and that voters made the right decision in electing Councilmember Cobern. He stated staff has done a great job throughout the year in tough circumstances. He also thanked Council for all they have done.

**PUBLIC INVITED TO BE HEARD – A REQUEST TO APPEAR CARD MUST BE COMPLETED AND RETURNED TO THE CITY SECRETARY TO BE RECOGNIZED** – No one spoke.

**EXECUTIVE SESSION** in Compliance With the Provisions of the Texas Open Meetings Law, Authorized by Government Code, Section 551.072 deliberation regarding the purchase, exchange, lease, or value of real property (Property consideration for Pipeline Road Phase III improvements) and to reconvene in Open Session at the conclusion of the Executive Session.

Mayor Ward recessed to Executive Session at 7:44 p.m. in compliance with the provisions of the Texas Open Meetings Law, authorized by Government Code, Section 551.072 deliberation regarding the purchase, exchange, lease, or value of real property (Property consideration for Pipeline Road Phase III improvements) and reconvened to open session at 8:03 p.m.

**ADJOURNMENT**

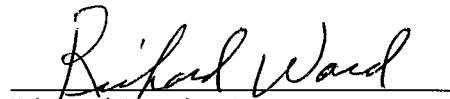
The meeting adjourned at 8:03 p.m.

**APPROVED** this the 27<sup>th</sup> day of September 2016. \_\_\_\_\_

**ATTEST:**

  
Rita L. Frick, City Secretary

**APPROVED:**

  
Richard Ward, Mayor